



Housing Policy and Practices Advisory Group Summary of Meeting

October 27, 2015
10:00 am – 3:00 pm

Attendance

SCAG – Ma'Ayn Johnson

ABAG – Duane Bay

APA – John Terell

League of California Cities – Betsy Strauss, Kendra Harris

Local Government Representative – Colby Cataldi, Ruby Maldonado (Orange County)

Public Interest Law Project – Mike Rawson

California Rural Legal Assistance – Ilene Jacobs

Kennedy Commission – Cesar Covarrubias

Western Center for Law and Poverty – Stephane Haffner

Senate Transportation and Housing Committee – Alison Dinmore

Assembly Housing and Community Development – Rebecca Rabovsky

Disability Rights California – Dara Schur

Committee

HCD – Lisa Bates, Deputy Director, Housing Policy

Glen Campora, Assistant Deputy, Housing Policy

Melinda Coy, Specialist

Autumn Bernstein, Facilitator

Agenda Items

Advisory Group Status Report

Staff presented chart summarizing the status of the issues discussed in the advisory group and which issues have not yet been discussed. HCD indicated a report would be compiled, subject to the work group's review, for report to be released to the public. An accompanying action plan would also be completed to describe HCD's implementation of new procedures, as well as any other actions to be undertaken, e.g. legislative proposals.

Overview of Subcommittee Goals and Process

Staff presented the four subcommittees: Public Participation, Fair Housing, Density, and non-vacant and small sites. Subcommittee meeting will be held from mid-November to February 2016. Members would then present at the Mid-February meeting. Each subcommittee will have a Chair and HCD staff support. The committees would have a cross-section of representation. Many of the organizations represented on the advisory groups expressed interest on having representation on all the committees. The Chair will work with HCD staff to identify any additional members needed.

Public Participation – The Public Participation subcommittee’s charge is to develop criteria to describe/determine “diligent efforts.”

Betsy Strauss – Chair
Western Center (Stephanie Haffner)
PILP
APA
CRLA
CSAC

Comments:

- Proposal needs to reflect public participation process over 3 stages: (1) development of the draft, (2) revisions to the draft element for submission to HCD, and (3) revisions to draft and/or adopted element during/after HCD review.
- Proposals should be rooted in statute and limited to what is diligent – not how HCD considers comments.
- Proposal needs to address what jurisdictions do after HCD review – HCD finding can limit how jurisdictions address public comment.

Fair Housing - The Fair Housing/ Equity subcommittee’s charge is developing proposals on how to incorporate fair housing and equity issues within the housing element including guidance on how and when to address displacement issues in housing elements.

Ilene Jacobs - Chair
Western Center
PILP
APA
CSAC
League (Kendra Harris)
Disability Rights California (Dara Schur)
ABAG

Comments:

- May be impacted from HUD’s recent release of the Affirmatively Furthering Fair Housing (AFFH) Rule. May result in additional requirements or revisions in the future.

Density: The Density subcommittee’s charge is to develop options in lieu of the use of a default density, develop incentives to develop housing affordable to lower-income households, and address unintended consequences which could include revisions of the default density in certain geographic areas.

Mike Rawson – Chair
Western Center
League
APA
CRLA
CSAC (Kiana)
ABAG
SCAG

Comments:

- Scope of subcommittee could include question related to use of density as a proxy.
- The expectation is not to do away w/default densities but expand criteria.

Non-Vacant/Small Sites: The Non-Vacant Sites subcommittee's charge is to develop criteria to determine the feasibility of a non-vacant site's re-use for housing affordable to lower-income households.

Duane Bay - Chair

Western Center

PILP

APA

CRLA

CSAC

League

ABAG

Orange County (Colby Cataldi, Ruby Maldonado)

Kennedy Commission (Cesar Covarrubias)

Comments:

- Included in the discussion of non-vacant sites should be the feasibility of small sites, less than 1 acre in size, to be developed with housing affordable to lower-income households.

Issue #1-Variety of Housing Types

Staff described issues related to the statutory requirement to provide for a variety of housing types as it relates to farmworker housing; mobile and manufactured homes; SB 2 implementation; and consistency throughout the statute when referencing a variety of housing types. Discussion was initiated in regard to addressing the "sites" requirement of the Government Code (GC) 65583.2(c) relating to a variety of housing types and in relationship to SB 2, using other criteria beyond what is allowed in GC 65583(a)(4)(A) (i.e. management plans, services requirements) when developing emergency shelter ordinances.

Comments:

- Variety of housing type analysis is deficient as it relates to the need and is not well connected to sites inventory especially as it relates to farmworker housing.
- HCD needs to expand guidance and recommendations to meet the variety of housing type requirements. If the element quantifies a special need, then element should show zoning & sites to accommodate the need.
- There is an analysis that relates to the identification of sites for mobile homes even though condition and closures have impacts on lower-income households.
- Disagreement over whether farmworkers are part of RHNA or should be treated as an addition to RHNA as statute specifically calls out farmworker need and sites for farmworker. Farmworkers are counted in CA's general population.
- Jurisdictions can only apply requirements to emergency shelters that are specified in statute.

- All agree jurisdictions can have management plans as long as the content aligns with statute.
- All agree that it makes sense to identify all the variety of housing types similarly in the statute. Likely an oversight with introduction of new statute.

Proposal A) Modify Government Codes 65583, 65583(c)(1), and 65583.2(c) to be consistent when listing the variety of housing types required for consideration in housing element law. *All members were in agreement to move forward with this statutory change.*

B) As part of the housing conditions analysis, request a description and analysis of mobile home stock to better inform program for the provision of mobilehomes. *All members were in agreement to move forward with this change to the Building Block guidance.*

C) As part of the Department's SB2 guidance, clarify that management plans are allowed as part of section iv as long as the recommendations are objective, do not require discretionary action, and limited to health and safety. *All members were in agreement to move forward with this change to the SB 2 guidance.*

Proposal D (added by group): HCD to expand guidance on a variety of housing types to further clarify how the statutory requirement relates to the sites inventory. *All members were in agreement to have HCD move forward with providing additional clarifications in the building blocks though some members may wish to seek statutory clarifications in the future.*

Issue #2 Technical Items

Staff presented on technical issues including project identifier requirements for sites inventories and development constraints resulting from requiring a single density.

1) Consistency in Site Identification

Staff Recommendation: Amending the statute to require use of parcel numbers. This will allow for geocoding and assist in evaluation of housing elements and other planning objectives.

Comments:

- Identifying both parcel number and address would make housing elements more useful.
- Some parcels do not have addresses so in those circumstances, a unique identifier would be appropriate.
- All members were in agreement that the statute should be modified to "A listing of properties by parcel number, and address or other unique reference".

2) Governmental Constraints: Allowable Density

Staff Recommendation: Amend GC Section 65583.2(h) to clarify that a jurisdiction must specify a range of density (not just a minimum density) when rezoning to meet a shortfall of sites to accommodate the RHNA.

Comments:

- Suggest clarification in the guidance rather than legislation. If clarification isn't sufficient then proceed with statute change.
- Specifying a density range may not solve the problem. HCD treating a single density as minimum/maximum density that poses a governmental constraint, and requiring jurisdiction to analyze constraint to remove and/or include a constraint mitigation program in the housing element is satisfactory.
- Number of members in support (based on scale 1-5): of 11 who voted, 9 were supportive (voting #4 or #5), 1 was neutral (vote was #3), and 1 was not supportive (vote was #1)

Moving Forward

The November 17th meeting will include broader conversations on how to better connect land use and planning. Invitations have been sent to SGC, CALSTA, OPR, LAO and other State Agencies.

Next Steps:

- Complete the subcommittee process then reassess in February.
- General Support for advisory group work to continue.
- Big Issues needing to be further addressed include RHNA allocation methodology, RHNA "change in circumstance" provision, adequate sites alternative, failure to rezone consequences, and 6th cycle streamline review and some others.